

UNITED STATES DISTRICT COURT

for the

District of Oregon

United States of America)

v.)

Jonathen Michael Martinez)

Case No. 3:20-mj-00112

)

)

)

)

Defendant(s)

**CRIMINAL COMPLAINT
BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of _____ in the county of _____ Hood River _____ in the
_____ District of _____ Oregon _____, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. § 922(g)(1)

Felon in Possession of Firearm.

21 U.S.C. § 841(a)(1)

Manufacture, distribute, dispense, or possess with intent to manufacture, distribute, dispense a controlled substance.

This criminal complaint is based on these facts:

See affidavit of Special Agent Nathan Miller, attached hereto and incorporated by reference

☒ Continued on the attached sheet.

Nathan Miller

Complainant's signature

Nathan Miller, ATF Special Agent, Portland

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
telephone at 11:54am a.m./p.m.

Date: 05/13/2020 11:54am

Jolie A Russo

Judge's signature

City and state: Portland, Oregon

Honorable Jolie A. Russo, U.S. Magistrate Judge

Printed name and title

DISTRICT OF OREGON, ss.

AFFIDAVIT OF NATHAN MILLER

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, Nathan Miller, being first duly sworn, do hereby depose and say:

Introduction and Agent Background

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and have been since July 2014. My current assignment is to the Portland, Oregon Field Office. My training includes twenty-seven (27) weeks of Criminal Investigator and ATF Special Agent Basic Training at the Federal Law Enforcement Training Center in Glynco, Georgia. As a Special Agent with ATF, part of my duties and responsibilities include conducting criminal investigations for possible violations of federal firearms, explosives, and arson laws.

2. I submit this affidavit in support of a criminal complaint and arrest warrant for Jonathen Michael MARTINEZ. The arrest warrant is requested for unlawful possession of a firearm and/or ammunition in violation of Title 18 U.S.C. Section 922(g)(1) and possession with intent to distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1).

Applicable Laws

3. 18 U.S.C. § 922(g)(1): It shall be unlawful for any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year to possess a firearm or ammunition that have been shipped or transported in interstate or foreign commerce.

4. 21 U.S.C. § 841(a)(1), which makes it a crime for any person knowingly or intentionally to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance. 21 U.S.C. § 802(6) defines controlled substance

as a drug or other substance, or immediate precursor, included in schedule I, II, III, IV, or V. Methamphetamine is a schedule II controlled substance.

Statement of Probable Cause

5. The following information, facts, and occurrences are the result of my knowledge, conversations with other law enforcement officers, and from my review of reports related to this investigation. This affidavit is intended to show there is probable cause for the requested criminal complaint and arrest warrant, and does not purport to set forth all of my knowledge of, or investigation into this matter.

Arrest of Jonathan Michael Martinez:

6. On January 25, 2019, Hood River Police Department (HRPD) Officer Webb observed a Silver Audi A6 enter the parking lot of the Hood River Square. Officer Webb noted in his report he had received information the prior week that Jonathen Martinez was driving a similar vehicle, had firearms, and was actively buying and selling narcotics. Officer Webb knew Martinez from previous contacts and noted Martinez had an active warrant.

7. Officer Webb identified Martinez as the driver of the vehicle and noted the car had a temporary Oregon permit that was improperly displayed. Officer Webb initiated a traffic stop near 3140 Cascade Avenue, Hood River, Oregon. Martinez accelerated and drove onto Interstate 84 (I-84) eastbound. Officer Webb pursued Martinez and noted a top speed of 120 mph. Martinez took exit 64 on I-84, lost control of the vehicle, and crashed off the exit ramp.

8. Martinez and a passenger, later identified as Nikolas Kyle Jester Williams, attempted to flee on foot. Williams was located north of the crash and arrested on multiple warrants. Martinez ran approximately 150 yards from his vehicle before surrendering. Martinez was read his rights per *Miranda*, and when asked if he understood his rights responded, "Yeah."

Martinez stated he ran because the car was stolen. A syringe, pipe, and bag containing approximately 3.5 grams of methamphetamine were recovered from Martinez's person.

Martinez was transported to the Northern Oregon Regional Correctional Facility (NORCOR) where a corrections deputy found \$1,300 cash in Martinez's sock.

9. The Audi A6 vehicle was secured pending issuance of a search warrant. On February 1, 2019, HRPD officers executed a search warrant on the aforementioned vehicle. The following documents some of the items that were recovered:

- Approximately 4.105 ounces of methamphetamine
- Approximately 14.79 ounces of methamphetamine
- Approximately 9.335 ounces of methamphetamine
 - Total approximately 28.23 ounces of methamphetamine.
- 1.64 ounces of heroin
- Smith and Wesson pistol, model M&P22, .22 caliber, SN: MP089623
- Walther pistol, model PPK, 9mm, SN: 122214A (reported as stolen)
- .22 caliber ammunition
- Packaging bags and digital scale box.

The 9.335 ounces of methamphetamine, 1.64 ounces of heroin, and firearms were located in a lockbox inside the vehicle. The .22 caliber ammunition was found in a backpack at the driver's side door.

Training and Experience:

10. Based upon my training and experience, the training and experience of other law enforcement officers and the facts contained herein, I know that 28.23 ounces of methamphetamine is more than a user amount. I know typical user amounts are rarely above 5 grams. I also know methamphetamine dealers often carry digital scales and Ziplock baggies to distribute their product. I have learned that the street value of methamphetamine is approximately \$2,200 to \$3,000 per pound. I know narcotics traffickers often carry firearms for protection due to the large quantity of cash associated with the distribution of narcotics. I also

know firearms are frequently utilized as a form of currency in narcotics transactions and are often traded for illegal substances.

Interstate Nexus:

11. ATF SA Amanda Johnson, a specialist in the recognition and identification of firearms, ammunition, and their place of manufacture, informed me that, based on her training and experience, the aforementioned firearms were not manufactured in the State of Oregon, and therefore, would have to have traveled in interstate commerce to be possessed in Oregon.

Prior Felony Convictions:

12. I have reviewed a computerized criminal history (CCH) for Jonathen Michael Martinez. The CCH listed Martinez has the following felony convictions.

- 2012, Burglary 1st Degree and Felon in Possession of Firearm, Wasco County Circuit Court, State of Oregon, case number 1200116CR.
- 2012 Burglary 1st Degree, Multnomah County Circuit Court, State of Oregon, case number 120934162.
- 2016, Delivery of Methamphetamine and Possession of Methamphetamine, Wasco County Circuit Court, State of Oregon, case number 16CR56482.

Conclusion

13. I believe that Jonathen Michael Martinez, having been previously convicted of felony offenses, possessed the firearms recovered by HRPD and possessed with intent to distribute the methamphetamine recovered by HRPD on February 1, 2019.

14. Based on the foregoing, I have probable cause to believe, and I do believe Martinez possessed firearms in violation of 18 U.S.C. Section 922(g)(1) and possessed methamphetamine with intent to distribute in violation of 21 U.S.C. § 841(a)(1).

15. Prior to being submitted to the Court, this affidavit and accompanying criminal complaint and arrest warrant were all reviewed by Assistant United States Attorney (AUSA)

Byron Chatfield. AUSA Chatfield advised me that in his opinion, the affidavit and criminal complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

/s/ Nathan Miller
NATHAN MILLER
Special Agent
Bureau of Alcohol, Tobacco
Firearms and Explosives

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at
11:54 a.m. on May 13, 2020.

Jolie A Russo
THE HONORABLE JOLIE A. RUSSO
UNITED STATES MAGISTRATE JUDGE